

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

THE NOCO COMPANY,	)	
	)	CASE NO. 1:20-cv-02322
	)	
Plaintiff,	)	
	)	JUDGE SOLOMON OLIVER, JR.
-v-	)	
	)	
AUKEY TECHNOLOGY CO., LTD., et al.,	)	
	)	
	)	
Defendants.	)	
	)	

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SUPPLEMENTAL DECLARATION OF JONATHAN NOOK IN SUPPORT OF  
PLAINTIFF'S REPLY BRIEF

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I, Jonathan Lewis Nook, declare, under penalty of perjury as follows:

1. I am more than twenty-one years of age, am competent to testify, and have personal knowledge of the matters contained in this Declaration.
2. I am the Chief Visionary Officer and co-owner of Plaintiff The NOCO Company ("**NOCO**").
3. I regularly communicate with Amazon.com, Inc. ("**Amazon**") employees regarding the sale of NOCO products on Amazon's United States e-commerce platform (the "**Amazon Marketplace**").
4. I understand that NOCO products, since at least June 2020, have been repeatedly removed from the Amazon Marketplace's browse nodes (the "**Browse Nodes**").
5. Specifically, I am aware that NOCO products were removed from the Browse Nodes in June, July, August, September, November, and December 2020.

6. On at least following dates, I communicated with Amazon employees regarding the removal of NOCO products from the Browse Nodes:

- |           |           |             |                |               |
|-----------|-----------|-------------|----------------|---------------|
| • June 4  | • June 17 | • July 31   | • August 15    | • November 23 |
| • June 6  | • June 24 | • August 3  | • August 24    | • November 29 |
| • June 9  | • July 4  | • August 6  | • September 12 | • November 30 |
| • June 13 | • July 9  | • August 12 | • September 16 | • December 2  |
| • June 14 | • July 14 | • August 14 | • September 25 | • December 3  |

7. Based upon at least these conversations, I understand and confirmed that NOCO products were removed from their designated Browse Nodes and further understand that Defendants in the above-captioned matter participated in their removal.

8. When a NOCO product was removed from the Browse Node, I alerted Amazon, or Amazon would notify me, of the removal.

9. After their removal, I understand that Amazon would reassign the previously removed NOCO products back to their originally designated Browse Nodes.

10. I understand this because I would verify that the NOCO product had the proper Browse Node designations.

11. I am aware that since June 2020, NOCO products were reassigned to the proper Browse Node designations by Amazon employees after their removal.

12. As a result of their removal, NOCO products continually lost the Best Seller Badge for certain Browse Nodes.

13. However, when a NOCO product loses the Best Seller Badge, NOCO experiences a decline in sales.

14. After I initially discovered that NOCO products were being removed from the Browse Nodes in June 2020, I understand that Amazon implemented a gating

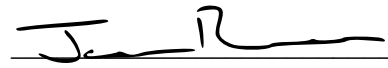
mechanism around NOCO products to prevent the removal of NOCO products from the Browse Nodes by Amazon employees located in China.

15. To circumvent the gating mechanism, I understand that NOCO products were removed from the Browse Nodes with the assistance of Amazon employees located in India.

16. After Amazon's initial gating, NOCO products continued to be removed from the Browse Nodes.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 31 day of December 2020.

  
Jonathan Nook